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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,544	06/25/2001	Lance W. Russell	10003533-1	9456

7590 06/06/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/888,544

**Applicant(s)**

RUSSELL, LANCE W.

**Examiner**

Scott M. Klinger

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,12-14,19 and 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6,12-14,19 and 20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

Claims 1-6, 12-14, 19 and 20 are pending.

#### ***Response to Arguments***

Applicant's election with traverse of group II in the reply filed on 10 January 2005 is acknowledged. The traversal is on the ground(s) that the searches required for claim Groups I and II are co-extensive. This is not found persuasive. Although Groups I and II might have an overlap in terms of a classification search, as multiple classification searches might be necessary, this is not the only type of search that is performed. Searching non-patent literature by classification is not possible.

Should applicant traverse on the ground that the groups are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Priority***

No claim for priority has been made. The effective filing date for subject matter in the application is 26 June 2001.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 12-14, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Binding et al. (U.S. Patent Number 6,775,687, hereinafter "Binding"). Binding discloses exchanging supplemental information fields between a client and a server. Binding shows,

In referring to claims 1 and 19,

- From a source site, sending to a client site physical address metadata and routing metadata for one or more logical file blocks of a data file in response to a request from the client site for access to the data file:

Binding, Fig. 3D shows, a client requests a data file 310, the server responds with physical address metadata and routing metadata (a redirect to a new URL) 312, the client uses the metadata to access the file 334

In referring to claims 2 and 13,

- Storing at the source site a data structure comprising physical address metadata and routing metadata for one or more logical file blocks of the requested data file:  
A server that sends physical address metadata and routing metadata inherently implies storing the metadata on the server

In referring to claims 3, 14, 20,

- The routing metadata comprises one or more node addresses along one or more network routes between the client site and the source site for the one or more logical file blocks of the requested data file:  
A network route between a client and a server includes the client and server nodes, when the server sends the redirect the client and the server address are both sent

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In referring to claim 6,

- The metadata is sent to the client site in accordance with a routable network protocol:

The system of Binding uses HTTP or WSP

In referring to claim 12,

- A source site file system configured to manage access to one or more logical file blocks of a data file and to send to a client site physical address meta data and routing meta data for the one or more logical file blocks in response to a request from the client site for access to the data file.

Binding, Fig. **3D** shows, a client requests a data file **310**, the server responds with physical address metadata and routing metadata (a redirect to a new URL) **312**, the client uses the metadata to access the file **334**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binding in view of Bleier, Jr. et al. (U.S. Patent Number 6,832,184, hereinafter "Bleier"). Although, Binding shows substantial features of the claimed invention, Binding does not show that the metadata contains a next hop node address or complete path information. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Binding as evidenced by Bleier.

In analogous art, Bleier discloses an intelligent work station simulation--generalized LAN frame generation simulation structure. Bleier shows: "It is another object of the

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present invention to provide client/server simulation tool employing a generalized LAN frame generator for simulating situations where the serving entity is a finite state machine, and a basic LAN frame generator where the serving entity is relatively stateless." (Bleier, col. 7, lines 4-8)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Binding so as to test the system on a LAN, such as taught by Bleier, in order to make sure it works. If the client of Binding is on the same LAN as the server, the server's address would be both a next hop node address and complete path information.

### *Conclusion*

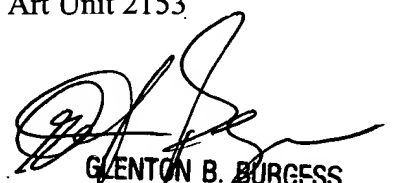
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (571) 272-3955. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger  
Examiner  
Art Unit 2153

smk



GLENN B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100